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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of: )

Anthony David Kilvert )

Serial No. 09/646,261 )

Filed September 11, 2000 )

IMMOBILISER DEVICE )

I hereby certify that this correspondence :  
deposited with the United States Postal Service  
class mail in an envelope addressed to the  
Commissioner for Patents, Washington, D.C. 202

November 24, 2003

(Date of Deposit)

Charles J. Meyer

Name of Registered Representative

Signature

November 24, 2003

Date of Signature

**RENEWED PETITION FOR REVIVAL**

Office of Petitions  
Commissioner of Patents  
Crystal Park 1, Suite 520  
Washington, D.C. 20231

Sir:

Applicant petitions for revival of the above application. Applicant previously petitioned filed a renewed petition for revival which was denied on October 22, 2003. This renewed petition is made within two months of the denial of the prior petition. Please charge all fees which may be due to deposit account 23-3030, but not to include the payment of issue fees. As additional submissions to the prior petition, Applicant submits herewith a Reply to the August 23, 2002 Office Action and the Declarations of Kristie A. Brand and Charles J. Meyer.

Applicant's previous petition to withdraw the holding of abandonment was based on Applicant's failure to receive the communication listed as mailed on August 23, 2002. Applicant speculates that a document may have been received within the firm's docketing department, but for whatever reason was misplaced before reaching the Practitioner or the appropriate file. Since the Practitioner was unaware of the August 23, 2002 letter, the Practitioner removed the September 23, 2002 date from the docket believing it had already been responded to with the submission Applicant filed on June 19, 2002.

Petitioner submits herewith the Declaration of Kristie A. Brand, the senior docketing clerk for counsel's firm, and the Declaration of Charles J. Meyer, the working attorney on the file, in support of showing that the entire delay was unavoidable. The Declarations show that

Renewed Petition for Revival  
Serial No. 09/646,261  
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**OFFICE OF PETITIONS**

there is in place in counsel's firm a business routine for docketing USPTO Office Actions. The Declarations explain the routine followed by counsel's trained and experienced docketing department, and that the "unawareness" was an isolated incidence and a rare mistake taken by a properly trained employee.

Additionally enclosed is a response to the August 23, 2002 letter. Applicant submits that the entire delay from the due date for the reply to the date of this petition was unavoidable.

Applicant respectfully requests that this petition be granted and welcomes a telephonic conference with the Examiner if it will facilitate this application or petition.

Respectfully submitted,

By:



Charles J. Meyer, Reg. No. 41,996  
Woodard, Emhardt, Moriarty,  
McNett & Henry, LLP  
Bank One Center/Tower, Suite 3700  
111 Monument Circle  
Indianapolis, Indiana 46204-5137  
(317) 634-3456



007372-000002.CJM.248950

**DECLARATION OF KRISTIE A. BRAND**

I, Kristie A. Brand, hereby swear and affirm as follows:

1. I am a full-time docketing clerk for the law firm of Woodard, Emhardt, Moriarty, McNett & Henry LLP in Indianapolis, Indiana. Woodard, Emhardt currently maintains two full-time docketing clerks, and I have held this position since 1996. I submit this declaration in support of a petition to revive U.S. Patent Application Serial No. 09/646,261. I am familiar with the docketing procedures of this law firm, and in particular such systems and procedures as they pertain to the docketing of office actions.

2. Such docketing procedures include the following. As docketing clerks, we review all documents received in our office each day and docket those which require a response. Since prior to November 1, 2000, Woodard, Emhardt has maintained an ELITE™ computerized docketing database system. Based upon training and United States Patent and Trademark Office rules, we determine the future due dates for each document and enter these due dates into the ELITE™ docket database system.

3. Our docketing system for all correspondence received from the U.S. Patent and Trademark Office is as follows: When the correspondence arrives, we docket the response deadline and certain reminders prior to the deadline. The correspondence is then distributed by a docket clerk to the working attorney and/or that attorney's assistant. Updated docket reports for each attorney are generated weekly and distributed to each attorney and his or her secretary, showing all docketed entries for the following thirty (30) days. When a docket deadline or a reminder is on the current day's docket, one of the docketing clerks calls the appropriate individuals, namely the attorney and/or the

attorney's secretary, to ensure the deadline has been met. On days which both docket clerks are absent, our firm has back-up personnel to fulfill our duties.

4. I was trained for the position of docketing clerk by the previous docketing clerk, who had over fifteen (15) years of experience. I worked under the previous docketing clerk's close supervision for approximately one year prior to being permitted to independently perform the docketing duties.

5. I was personally involved in the docketing of office action response due dates for U.S. Patent application Serial No. 09/646,261, including one docketed with a response date of September 23, 2003. This response date was cleared from our system upon the working attorney's instructions that a response had been filed. Although I have no specific memory of these docketing actions because of the length of time that has passed since they occurred, a record of each entry is maintained in our system.

6. During my tenure as docketing clerk with this firm, I estimate that I have docketed tens of thousands of docket dates. To my knowledge it is rare, if ever, that deadlines from Office Actions have been missed as a result of docketing errors. Further, to my knowledge it is rare, if ever, that deadlines from Office Actions have been missed as a result of attorneys not receiving correspondence distributed by a docket clerk.

7. I further declare that all statements made herein of my own knowledge are true, and that all statements made on information are believed to be true; and further, that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both.

11.24.03  
DATE

Kristie A. Brand  
Kristie A. Brand



007372-000002.CJM.248957

**DECLARATION OF CHARLES J. MEYER**

I, Charles J. Meyer, hereby swear and affirm as follows:

1. I am a partner with the law firm of Woodard, Emhardt, Moriarty, McNett & Henry LLP in Indianapolis, Indiana. I have been a practicing patent attorney with Woodard, Emhardt since 1995 and I am familiar with the firm's policies and procedures. I submit this declaration in support of a petition to revive U.S. Patent Application Serial No. 09/646,261.
2. The firm's docket clerks initially receive all correspondence received from the U.S. Patent and Trademark Office. The docket clerks docket response deadlines and certain reminders and then distribute the correspondence to the working attorney and/or that attorney's assistant. After distribution, the correspondence is mounted in the corresponding patent application file.
3. I am the working attorney for U.S. Patent Application Serial No. 09/646,261.
4. On June 19, 2002, I filed an Office Action Response in this application.
5. On or about September 19, 2002, I directed our docketing clerks to remove an Office Action Response deadline of September 23, 2002, believing that it had already been satisfied by the Office Action Response filed on June 19, 2002. At that time neither I nor my assistant were aware that an Office Action had been issued by the Patent Office on August 23, 2002.
6. For whatever reason, it appears that the Office Action of August 23, 2002 did not reach me or my assistant and was not placed in the corresponding file.
7. I remained unaware of the August 23, 2002 Office Action, until the firm received a Notice of Abandonment, mailed March 19, 2003, for a failure to respond. I

did not see a copy of the August 23, 2002 Office Action, until a copy was recently provided by the Patent Office on October 22, 2003.

8. During my tenure with this firm, I estimate that I have responded to dozens if not hundreds of patent and trademark Office Actions and dealt with hundreds of docket dates. To my knowledge I have never before missed a deadline from an Office Action as a result of not receiving correspondence distributed by a docket clerk.

9. I further declare that all statements made herein of my own knowledge are true, and that all statements made on information are believed to be true; and further, that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both.

Nov. 24, 2003  
DATE

  
Charles J. Meyer